

AMENDMENT NUMBER ONE (1)

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE MARICOPA COUNTY, ARIZONA

THIS AGREEMENT is entered into March 18, 2004 **Amendment Number One** to JPA 99-187, AG Contract No. KR99-2769TRN, filed 31 July 2000, with the Secretary of State Number 24136, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION, acting by and through its Board of Supervisors (the "County").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The County is empowered by Arizona Revised Statutes Section 11-251 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the County.

The parties desire to amend the above-referenced agreement, to include the additional work and clarification of responsibility of the parties.

THEREFORE, in consideration of the mutual agreements expressed herein, the agreement is amended as follows:

II. SCOPE OF WORK

Article II.1.d of the original agreement is deleted in its entirety and replaced with the following:

1. The State will:

d. Be responsible for any contractor claims for extra compensation attributable to the State and function as the Blue Staking authority.

#01

NO. 24136
Filed with the Secretary of State
Date Filed: 03/18/04
Janice K. Brewer
Secretary of State
By: Timothy J. Graesswald

Article II.1. j is added to the original agreement as follows:

j. Participate in the additional work required to bring the environmental assessment to federally acceptable standards for SR 303L from Interstate 10 (I-10) to Grand Avenue (US 60), which includes a system interchange at I-10 and US 60. The State agrees to share in the cost at a 50/50 split up to a maximum \$250,000.00.

Article II.2.g and h are added to the original agreement as follows:

2. The County will

g. Upon completion of negotiations with the Consultant for the additional work to bring the environmental assessment on SR 303L from I-10 to US 60, to federally acceptable standards, invoice the State for 50% of the increased cost up to a maximum of \$ 250,000.00.

h. Incident to assuming full responsibility of the existing SR 303L roadway and responsibility for construction of the new corridor be responsible for all electrical energy costs to operate the traffic signals and/or intersection lighting, installed or improved by the County.

All other terms and conditions of the agreement remain the same.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

MARICOPA COUNTY

STATE OF ARIZONA

Department of Transportation

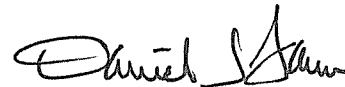
By



~~FULTON BROCK~~ ANDREW KUNASEK
Chairman Of The Board

1/7/04

By



DANIEL S. LANCE, P.E.
Deputy State Engineer

ATTEST

By



FRAN McCARROLL
Clerk of the Board

1/7/04

Agenda Activity: Action
 Department: Transportation
 Category: Chief Regional Dvlpmnt. Svcs.
 Contact: Brenda Zambelli
 Return to: Brenda Zambelli
 Location: DEPT OF TRANSPORTATION ADMIN BLDG

Agenda Number: C-64-00-261-2-02
 Phone: 506-4616 Continued from:
 Phone: 506-4616

Action Requested:

Approve the Amendment to the Intergovernmental Agreement (IGA) between the State of Arizona, acting through the Arizona Department of Transportation (ADOT), and Maricopa County Department of Transportation. The Amendment provides for cost sharing of a 50/50 split for the additional work needed to bring the environment assessment to federally acceptable standards for SR 303L, from I-10 to US 60, including the system interchange at I-10 and US 60, in a maximum amount not to exceed \$250,000. In addition, the amendment clarifies the responsibilities for Blue Staking and electrical power incident to the existing SR 303L and the un-constructed SR 303L corridor. This Amendment replaces the original amendment that was signed by the BOS on 5/7/03, but was never executed by the State of Arizona as the Attorney General's office wanted to add some clarifying language. The Agenda Central System would not allow me to utilize the same number extension for this amendment, that is why it is showing as amendment 02 instead of 01.

Complete description of action requested:

The Amendment clarifies that the State will function as the Blue Staking Authority and that the County will be responsible for all electrical energy costs to operate the traffic signals and/or intersection lighting that have been installed by the County. The Amendment also states that the State will participate in the additional work required to bring the environmental assessment to federally acceptable standards for SR 303L from Interstate 10 (I 10) to Grand Avenue (US 60), which includes a system interchange at I-10 and US 60. The State has agreed to share in the cost at a 50/50 split to a maximum of \$250,000. The County will upon completion of negotiations with the Consultant for the additional work to bring the environmental assessment on SR 303L up to federal standards, invoice the State for 50% of the increased cost up to a maximum of \$250,000. The Board of Supervisors approved Change Order #3 to the consultant contract with URS Corporation for project LLIS (MCDOT #69016) on March 19, 2003, in the amount not to exceed \$977,872 (C-64-01-241-5-03).

This amendment is really the first amendment to the original IGA, as the one approved by the BOS on 5/7/03 was never executed by the State as the Attorney General's office wanted to add some clarifying language to the amendment, thus I am resubmitting the amendment to the BOS.

Supervisory District Numbers: 4 & 5

"Please return an executed original to the Clerk of the Board of Supervisors."

PERFORMANCE INFORMATION:

Program: Support Transportation Systems

Activity: Project Partnerships

Performance Measure: % of MCDOT projects that go to bid and are eligible for partnerships and have partnerships in place.

Anticipated Results: More clearly defines roles and responsibilities of each partner.

Expenditure Impact by FY(s):

Funding is from BOS approved Change Order #3 with URS Corporation in the amount not to exceed \$977,872. Funds have been budgeted in the Department's Transportation Improvement Program under project LLIS (MCDOT #69016), in the amount of \$277,872 for FYE 6-30-03; and \$700,000 for FYE 6/30/04.

Routing: Meeting Date: 01/07/2004		
Legend X=Pending A=Approved R=Rejected		
CNTY_ENGR	LEGAL	OMB
A	A	A

JPA 99-187

Amendment One

APPROVAL OF THE MARICOPA COUNTY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the MARICOPA COUNTY (the "County") and declare this agreement to in proper form and within the powers and authority granted to the County under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this Bth day of December, 2003.

Terry E. Edlbauer
Attorney



TERRY GODDARD
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL
STATE OF ARIZONA

TRANSPORTATION SECTION
WRITER'S DIRECT NO: 602.542.8837

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR99-2769-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

Date: 11 March 2004

Terry Goddard
ATTORNEY GENERAL

A handwritten signature in black ink, reading "James R. Redpath", is written over a horizontal line.

James R. Redpath
Assistant Attorney General
Transportation Section

JRR:djd:780214